

REMARKS

By this amendment, claims 1-3, 7-19, 22-27, 29-34, 36, 38, 39, 42-49 and 52-58 are pending, in which claims 1, 10, 22, 29, 36 and 45 are currently amended and claims 53-58 are newly presented. No new matter is introduced.

The Office Action dated November 3, 2011, **A)** rejected claims 1-3, 7-9, 22-27, 36, 38, 39 and 44 under 35 U.S.C. § 103(a) as obvious based on *Microsoft Outlook 97* in view of *Ye et al.* (US 7,171,190), *Hardt* (US 2005/0114453) and *Domnitz* (US 6,912,398); **B)** rejected claims 10-19, 29-34, 45-49 and 52 under 35 U.S.C. § 103(a) as obvious based on *Outlook* in view of *Ye* and *Domnitz* and in further view of *Kirkland et al.* (US 2005/0149622); and **C)** rejected claims 42 and 43 under 35 U.S.C. § 103(a) as obvious over *Outlook*, in view of *Ye*, *Hardt* and *Domnitz* and in further view of *Kirkland*. The rejections are traversed for the reasons presented below.

A. 35 U.S.C. § 103(a) Rejection of Claims 1-3, 7-9, 22-27, 36, 38, 39 and 44

With respect to the rejection of claims 1-3, 7-9, 22-27, 36, 38, 39 and 44 under 35 U.S.C. § 103(a) as obvious based on *Outlook*, *Ye*, *Hardt* and *Domnitz*, Applicants traverse the rejection for at least the following reasons.

Independent claim 1 recites, *inter alia*, "directing receipt of a generic-recipient message by a network hub, wherein the generic-recipient message comprises a message sent to a group or community address." Applicants respectfully assert that the Office Action continues to misconstrue the above-recited feature and incorrectly apply the teachings of *Outlook*.

Specifically, the Office Action alleged that *Outlook* teaches the above-recited feature at pages 86, 157-159. Office Action, page 5. The Office Action acknowledged that the cited portion of *Outlook* discloses a personal distribution list. *Id.* Indeed, *Outlook* discloses creating a personal group that is a group of email correspondents—also called a personal

distribution list. *Outlook*, page 157. The personal distribution list is nothing more than a list of email addresses. Rather than selecting each individual email address when sending an email to more than one individual, a user may select a distribution list that is merely a previously created list of email addresses saved for future use. A personal distribution list is not a generic or community address.

In response to similar arguments as above presented in the September 15, 2011, Response, the Office Action cited page 1, line 22, through page 2, line 4, of the original specification as support for the conclusion that *Outlook's* personal distribution list constitutes a generic-recipient message. Office Action, page 3. The original specification recites, in part:

The vast majority of the digital messaging communication is conducted on a person-to-person basis. For example, one individual sends another individual an email or an SMS communication or one individual initiates a cellular telephone call to another individual. Much more limited are the communication options for person-to-group, person-community, person-to-place or person-to-application communication. This type of communication is also referred to herein as generic-recipient message, in which the user does not send the message to a specific individual but rather to a group, a community, a location or an application.

Email allows an individual to send a group email to multiple recipients; however, in this regard the user forms the group email address from a collection of known individual email addresses. In practice, the group email provides person-to-person communication to multiple recipients. The group email communication does not allow the sender to send an email correspondence to a group if the sender is unaware of the individuals that form the group.

Specification, P1/L22-P2/L10 (emphasis added)

As discussed above, the original application considers the scenario where an individual sends a group email to multiple recipients by using a collection of known individual email addresses—such as a personal distribution list. However, as explicitly recited in the specification, such a group email provides person-to-person communication to multiple recipients, i.e., person-to-persons. The personal distribution list disclosed in *Outlook* is such a group email because the list is merely a way to direct an email to multiple recipients. Because

such a group email provides person-to-persons communication via a personal distribution list, the group email cannot teach, "wherein the generic-recipient message comprises a message sent to a group or community address" (emphasis added), as recited in independent claim 1, at least because there is no group or community address. Rather, there is a list of addresses to multiple individuals. Therefore, *Outlook* cannot teach the above-recited feature of independent claim 1. Because *Ye*, *Hardt* and *Domnitz* do not cure *Outlook's* deficiency, independent claim 1 is patentable for at least the above-recited feature.

Further, the Office Action acknowledged that *Outlook* does not teach, "determining one or more recipients for the message based, at least in part, on the determined type [of communication medium of the message]," as recited in independent claim 1. Office Action, page 5. However, the Office Action alleged that *Ye* cures *Outlook's*. *Id.* *Ye* does not.

Ye discloses, in part:

In yet another embodiment, a device configured to route messages for a plurality of users is provided. The device comprises: a receiver configured to receive a message from a first user in the plurality of users; a device determiner configured to determine a device in one or more devices associated with a second user in the plurality of users, the device determined based on one or more communication types associated with the one or more devices; and a sender configured to send the message to a device identifier associated with the determined device for the second user.

....

The message content may be used to determine the device in which to send the message. For example, if a picture is found in the message content, MMS may be the preferred way to send the message. The communication type would then be MMS and an MMS address for the recipient is determined. Further, if text is sent, then SMS or instant messaging may be preferred because they are both text-based. In this case, both communication types may be determined with the associated addresses for the communication types (e.g., a cellular phone number for SMS and a username for IM). Also, depending on other factors, such as if time is of the essence, an instant message may be sent instead of an email message. Other factors discussed below may also be used to determine the device, such as presence information. For example, a message may be sent to a device in a plurality of determined devices that shows the user's presence is active.

....

In determining a device associated with the recipient, after a communication type is determined, the address for the determined device may be determined. For example, if it is determined that an email should be sent to the recipient, an email address for the user is determined. Although the user may receive the email at any computing device that may access email, it will be understood that the device represents a device that supports receiving messages for the communication type and address.

....

Accordingly, a sender may send a message to message delivery system 102, which can then determine a device for a recipient in which to send the message. In one embodiment, a communication type and address for the recipient is determined. Also, message delivery system 102 can automatically convert the content of a message depending on the device selected. The sender may also send the message using any device and does not need to specify a destination device or the destination address for the device. Message delivery system 102 can also determine the device of the recipient that should receive the message and its address.

Ye, C2/L13-22, C5/L3-19, L54-62, C6/L32-42 (emphasis added)

The above-recited portions of *Ye* merely disclose determining a device, not determining one or more recipients. In the above-recited portions, the recipients of the messages were already specified. At best, *Ye* may disclose that a device and/or an address associated with a device may be determined. However, the device and/or the address are all associated with a same recipient. Therefore, the recipient is not determined based on a determined type of communication medium. Indeed, in alleging that *Ye* discloses the above-recited feature of independent claim 1, the Office Action alleged that *Ye* discloses that “[a] recipient address [is] determined based on [a] message type” (emphasis added). Office Action, page 5. However, determining a recipient address does not constitute determining one or more recipients because, for example, a single recipient may have multiple addresses and the determination of the address is merely determining which one of the multiple addresses to use. Therefore, *Ye* cannot teach the above-recited feature of independent claim 1. Because *Hardt* and *Domnitz* do not cure *Outlook's* and *Ye's* deficiencies, independent claim 1 is patentable for at least the additional above-recited feature.

Further, independent claims 22 and 36 variously recite similar features as the above-recited features of independent claim 1, with varying subject matter. Thus, for at least the same reasons presented above with respect to independent claim 1, independent claims 22 and 36 also are patentable over *Outlook*, *Ye*, *Hardt* and *Domnitz*. Dependent claims 2, 3, 7-9, 23-27, 38, 39 and 44 also are patentable for at least the reasons independent claims 1, 22 and 36 are patentable, from which the claims variously depend, as well as for the additional features the claims recite.

Accordingly, withdrawal of the rejection is respectfully requested.

B. 35 U.S.C. § 103(a) Rejection of Claims 10-19, 29-34, 45-49 and 52

With respect to the rejection of claims 10-19, 29-34, 45-49 and 52 under 35 U.S.C. § 103(a) as obvious based on *Outlook*, *Ye*, *Domnitz* and *Kirkland*, Applicants traverse the rejection for at least the following reasons.

Independent claim 10 recites, *inter alia*, "directing receipt of a generic-recipient message by a network hub, wherein the generic-recipient message comprises a message sent to a group or community address." At least for the same reasons discussed above with respect to the first-discussed feature of independent claim 1 regarding a generic-receipt message, *Outlook*, *Ye* and *Domnitz* cannot teach the above recited feature of independent claim 10. Because *Kirkland* does not cure *Outlook's*, *Ye's* and *Domnitz's* deficiencies with respect to a generic-receipt message, independent claim 10 is patentable over *Outlook*, *Ye*, *Domnitz* and *Kirkland*.

Further, independent claim 10 recites, *inter alia*, "determining whether the message has priority based, at least in part, on the determined type [of communication medium of the message] and on the predefined attributes by comparing the predefined attributes of the message with pre-stored priority information" (emphasis added). The Office Action failed to address the feature of "determining whether the message has priority based, at least in part, on the

determined type [of communication medium of the message]" as required based on the language of the claim. *See* Office Action, pages 18. Rather, the Office Action merely alleged that, "priority level of a message is determined according to the subject of the message and the messages [sic] is delivered and displayed to the recipient according to the priority level." *Id.* However, this allegation does not consider the above-recited feature of claim 10 regarding the determined type of the communication medium. For at least this reason, the Office Action has failed to establish a *prima facie* basis of obviousness for independent claim 10 because the Office Action has failed to consider all of the features of the claim. Therefore, the rejection of claim 10 must be withdrawn for at least this additional reason.

Further, independent claims 29 and 45 variously recite similar features as the above-recited features of independent claim 10, with varying subject matter. Thus, for at least the same reasons presented above with respect to independent claim 10, independent claims 29 and 45 also are patentable over *Outlook*, *Ye*, *Domnitz* and *Kirkland*. Dependent claims 11-19, 30-34, 46-49 and 52 also are patentable for at least the reasons independent claims 10, 29 and 45 are patentable, from which the claims variously depend, as well as for the additional features the claims recite.

Accordingly, withdrawal of the rejection is respectfully requested.

C. 35 U.S.C. § 103(a) Rejection of Claims 42 and 43

With respect to the rejection of claims 42 and 43 under 35 U.S.C. § 103(a) based on *Outlook*, *Ye*, *Hardt* and *Domnitz* and in further view of *Kirkland*, *Kirkland* fails to overcome the deficiencies set forth above with respect to *Outlook*, *Ye*, *Hardt* and *Domnitz*. Therefore, dependent claims 42 and 43 also are patentable for at least the reasons independent claim 36 is patentable, from which the claims depend, as well as for the additional features the claims recite.

Accordingly, withdrawal of the rejection is respectfully requested.

New Claims

Applicants also respectfully submit that newly presented dependent claims 53-58 are patentable for at least their dependency on independent claims 1, 10, 22, 29, 36 and 45, as well as for the additional features the claims recite.

Conclusion

Therefore, the present application overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9959 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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